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2 **EL DORADO COUNTY**  
3 **ENVIRONMENTAL MANAGEMENT DEPARTMENT**  
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6 **TO: GOLD BEACH PARK**  
7 **PWS ID No. 0900102**

8 **ATTN: LARRY MORALES**  
9 **P.O. BOX 357**  
10 **EL DORADO, CA 95623**  
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12 **CITATION NO. 01\_39\_16C\_003**  
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14 **FOR VIOLATION OF ARSENIC MAXIMUM CONTAMINANT LEVEL, MONITORING,**  
15 **AND REPORTING REQUIREMENTS**  
16 **TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTIONS 64431, 64432.1(a),**  
17 **and 64432.1(g)**  
18 **CALENDAR YEAR 2017**

19 **Issued on March 14, 2017**

20 The El Dorado County Environmental Management Department (hereinafter "Department"),  
21 acting by and through its Local Primacy Delegation Agreement (hereinafter "Agreement") and  
22 the California State Water Resources Control Board (hereinafter "State Board"), hereby issues  
23 this citation (hereinafter "Citation") pursuant to Section 116650 of the California Health and  
24 Safety Code (hereinafter "CHSC") to Gold Beach Park for violation of Title 22, California  
25 Code of Regulations (hereinafter "CCR"), Section 64432.1(a) and Section 64432.1(g).  
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## **APPLICABLE AUTHORITIES**

### **CHSC, Section 116555(a) (1) states in relevant part:**

- (a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.

### **CHSC, Section 116650 states in relevant part:**

- (a) If the Department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subsection (e).
- (e) The Department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation

continues to occur. A separate penalty may be assessed for each violation.

**CCR, Title 22, Section 64431 (hereinafter “Section 64431”), states in relevant part:**

(a) Public water systems shall comply with the primary MCLs in Table 64431-A as specified in this article.

**Title 22, CCR, Section 64432.1 (a) states in relevant part:**

(a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems ...shall monitor annually ...”

**Table 64431-A  
Maximum Contaminant Levels  
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level,</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 µm in length.

**Title 22, CCR, Section 64432.1 (g) states in relevant part:**

"If the level of any inorganic chemical...exceeds the MCL, the water supplier shall do one of the following:

- (1) Inform the State Board within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or
- (2) Inform the State Board within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipts of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the State Board within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

#### **STATEMENT OF FACTS**

The Gold Beach Park Water System (hereinafter "Water System") is a permitted public water system located in El Dorado County that supplies water for domestic purposes to approximately 120 individuals. The Water System is a community public water system as defined in CHSC, Section 116275. The Water System utilizes groundwater as its source of domestic water.

Title 22, CCR, Department 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Pursuant to Title 22, CCR, Section 64432 (g), all public water systems shall monitor quarterly if the level of any inorganic chemical, with some exceptions, exceeds the MCL. The Water System last sampled Well 4 to determine arsenic levels on July 19<sup>th</sup>, 2016.



Compliance Order 01\_39\_16R\_003 was issued on September 8, 2016 to the Gold Beach Park Water System listing 11 separate directives. These directives included desisting from failing to comply with the California Health and Safety Code and California Code of Regulations by ensuring that the Water System is provided with a reliable and adequate source of pure wholesome, healthful, and potable water that is in compliance with all primary drinking water standards, which may include providing bottled water. The directives also required continued quarterly sampling to determine arsenic levels in the drinking water supply and developing a Corrective Action Plan. As of the date of this Citation, the Department has not received a response to the directives listed in the compliance order.

### **DETERMINATIONS**

Based on the above Statement of Facts, the Department has determined that the Water System has violated Sections 64431, 64432.1(a), and 64432.1(g) in that the Water System is failing to provide water that meets the primary standards for inorganic chemicals in accordance with the conditions of the domestic water supply permit issued to it. The Water System has also failed to monitor for arsenic as directed and has failed to follow the directives of Compliance Order 01\_39\_16R\_003.

### **DIRECTIVES**

The Water System is hereby directed to take the following actions:

1. By **April 17, 2017**, cease and desist from failing to comply with the CHSC Section 116555(a) (1) and (3) and Section 64431 of Title 22, CCR, by ensuring that Gold Beach Park is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards, which may include providing bottled water.

2. Prepare for Department approval a Corrective Action Plan identifying improvements to the water system designed to correct the violation of the arsenic MCL and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the Water System will be in compliance with the arsenic MCL, which date shall be no later than **April 17, 2017**.
3. By **March 31, 2017**, submit a water sample from Well 3 for arsenic level analysis in accordance with quarterly monitoring requirements for inorganic chemicals that exceed the primary standard maximum contaminant level.
4. On or before **April 17, 2017**, present the Corrective Action Plan required under Directive No. 2, above, to the Department in person at the Department's offices located at 2850 Fairlane Court, Building "C", Placerville, CA 95667.
5. Timely perform the Department approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
6. On or before **April 17, 2017**, and every three months thereafter, submit a report to the Department in the form provided as Attachment C, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.
7. In accordance with Section 64463.4 of Title 22, CCR, within 30 days after receiving this Citation, or by no later than **April 17, 2017**, the Water System shall provide public notification of its failure of the arsenic MCL. This notice shall be given by direct mail to customers of the Water System's water system and shall be given by publication in a weekly newspaper of general circulation serving the area. The Water System's notice shall follow the format provided in Attachment A. The language and format of the notice to be used for completion of the public notification requirement shall be submitted to the Department for review and written approval prior to its distribution and publication.

8. On or before **April 17, 2017**, proof of public notification shall be submitted to the Department using the form provided as Attachment B. Upon completion of public notification, Attachment B shall be completed and addressed to:

Jeffrey Warren, REHS  
Environmental Management Program Manager  
El Dorado County Environmental Management Department  
2850 Fairlane Court, Building "C"  
Placerville, CA 95667

Attachment B shall be electronically submitted to the Department at the following email address. The subject line for all electronic submittals corresponding to this Citation shall include the following information: Water System name and number, Citation number, and the title of the document being submitted:

**Electronic Submittal Email Address:** jeffrey.warren@edcgov.us

9. Public notification shall be given each calendar quarter that the four-quarter RAA from GOLD BEACH PARK for arsenic exceeds the MCL.
10. In accordance with Section 64442(g) (3) of Title 22, CCR, the Water System shall continue to collect quarterly samples from **Well 3** for arsenic analyses. The analytical results shall be reported to the Department no later than the 10th day following the month in which the samples were collected.
11. Not later than ten (10) days following the date of compliance with the arsenic MCL, demonstrate to the Department that the water delivered by the Water System complies with the arsenic MCL.
12. Notify the Department in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the Water System anticipates it will not timely meet such performance deadline.



As used in this Citation, the date of issuance shall be the date of this Citation; and the date of service shall be the date of service of this Citation, by personal delivery or by certified mail, on the Water System.

The Department reserves the right to make such modifications to this Citation and/or to issue such further citation(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be deemed effective upon issuance.

Nothing in this Citation relieves the Water System of its obligation to meet the requirements of the California Safe Drinking Water Act (SDWA), or any regulation, standard, permit or order issued thereunder.

#### **ORDER FOR ADMINISTRATIVE PENALTY**

Pursuant to Section 2.07 of the Local Primacy Agency Program agreement that the Department holds with the State Board and Section 116650 of the CHSC, administrative penalties are being assessed against the Water System for the following reasons:

1. Failure to sample as directed in Compliance Order 01\_39\_16R\_003 for the period beginning October 1, 2016 and continuing through December 31, 2016.
2. Failure to provide a corrective action plan on or before March 1, 2017.

Based on the facts described in this order the Department has determined that an administrative penalty is appropriate and therefore assesses an administrative penalty of five hundred dollars and zero cents (\$500.00) for the specific violations identified in this order. The amount was determined using the 2017 State Board Guide to Compliance and Enforcement, Table 2 – Administrative Penalties.

#### **PARTIES BOUND**

This Citation shall apply to and be binding upon the Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.



### **SEVERABILITY**

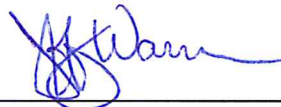
The Directives of this Citation are severable, and the Water System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

### **FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Department to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Department to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Department; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Department. The Department does not waive any further enforcement action by issuance of this Citation.

March 14, 2017

Date



Jeffrey Warren, REHS  
Environmental Management Program Manager  
El Dorado County  
Environmental Management Department

Certified Mail No. [7016-2070-0000-4809-4538]

